

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN DeFAVIO,

Plaintiff,

v.

Case No. 01-74238

COMMISSIONER OF
SOCIAL SECURITY,

HONORABLE AVERN COHN

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION
AND
GRANTING DEFENDANT'S MOTION TO DISMISS

I.

This is a social security case. In 2001, plaintiff Ian DeFavio (DeFavio) filed this action for review of a final determination of defendant, the Commissioner of Social Security (Commissioner), that he was not disabled. On March 12, 2002, the parties stipulated to a remand to an Administrative Law Judge (ALJ) for reconsideration. Prior to a scheduled administrative hearing, DeFavio submitted a letter to the ALJ stating in part that no longer wished to pursue his application. The Commissioner moved to reopen this case, which was granted, and then filed the instant motion to dismiss. DeFavio did not respond to the motion. The matter was referred to a magistrate judge who issued a report and recommendation (MJRR) recommending that the motion be granted. DeFavio has not objected to the MJRR.

II.

The Court adopts the findings and conclusions of the MJRR. The Commissioner's motion to dismiss is GRANTED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: July 24, 2006

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, July 24, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160